



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,700	10/02/2003	Richard A. Proulx	086333.2	9771

34261 7590 09/01/2004

HOLLAND & KNIGHT LLP
633 WEST FIFTH STREET, TWENTY-FIRST FLOOR
LOS ANGELES, CA 90071-2040

EXAMINER

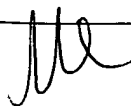
PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/677,700	Applicant(s) PROULX, RICHARD A. 	
	Examiner Hwei-Siu C. Payer	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) ☐ Other: ____ |

Detailed Action

Claims Objection

Claims 1-12 and 20 are objected to because of the following informalities:

(1) In claim 1 (at line 10), claim 5 (at line 13), claim 9 (at lines 10 and 20) and claim 13 (at line 16), claim 18 (at lines 10 and 20), "said tubular extension" is incorrect.

The phrase should read --said tubular member--.

(2) In claim 1 (at line 10) and claim 9 (at line 11), "a interference" should read --an interference--.

(3) In claim 7, line 15, "said lower hexagonal position" should read --said lower hexagonal portion--.

(4) In claim 7, line 17, "a common access of rotation" is incorrect. The phrase should read --a common axis of rotation--.

(5) In claim 7, line 34, "said cam follower" should read --said cam follower member--.

(6) In claim 8, line 1, "The flexible line cutting head" should read --The flexible line rotary trimmer head--.

(7) In claim 20, line 5, "said extensions" is incorrect. The phrase should read --said projections--.

Appropriate correction is required.

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claim 1 (at line 21), claim 5 (at line 24), claim 7 (at line 25), claim 9 (at line 22), claim 13 (at line 18), "said head portion" is incorrect. It appears the phrase should refer to the upper head portion of the cam member rather than the head portion of the drive bolt.

(2) In claim 1 (at lines 27-28), claim 5 (at line 30), claim 7 (at line 34), claim 9 (at lines 28-29), claim 13 (at lines 24-25), claim 18 (at lines 29-30), "said cam" is vague and indefinite. Does it refer to the first or the second cam? It's suggested the phrase be changed to --said cam member--.

(3) In claim 2 (at line 3), claim 10 (at line 3), claim 12 (at lines 3-4), claim 14 (at line 3), "said member" is indefinite. The phrase should read --said tubular member-- to distinguish it from the cam member.

(4) In claims 23 (at lines 12-13) and claim 25 (at line 15), "the spool assembly" has no clear antecedent basis.

Indication of Allowable Subject Matter

1. Claims 1-12 and 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and the objection as set forth in this Office action.
2. Claims 13-19 and 21-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action

Prior Art Citations

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Proulx '991 and '809, White, III, Everts et al. and Iacona are cited as art of interest.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 703-308-1405. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 703-746-3293 for proposed amendments.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

H Payer
August 31, 2004

A handwritten signature in black ink, appearing to read "H. Payer", with a stylized flourish at the end.

Hwei-Siu Payer
Primary Examiner